IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6432 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMESH GAJANAN KARNIK

Versus

CHIEF GENERAL MANAGER STATE BANK OF INDIA

Appearance:

MR SHALIN MEHTA for MR GIRISH PATEL for Petitioner

MR PRANAV G DESAI for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 10/04/2001

ORAL JUDGEMENT

1. The petitioner had challenged the order dated 7/1/1986 (Annexure-A) passed by the Disciplinary Cell of the respondent - State Bank of India at Ahmedabad. The petitioner was retired at the age of 58 years on

16/1/1986, but in view of the disciplinary action initiated against the petitioner, the petitioner was deemed to be in service only for the purpose of continuance and conclusion of the said disciplinary proceedings after 31/1/1986.

2. Although the petitioner had prayed for a direction to the respondents to allow the petitioner to work till the age of 60 years, the said prayer is not required to be granted as the employee has no right as such to get extension beyond the age of 58 years. Only discretion is granted to the authority to extend the age of retirement from 58 to 60 years.

3. The other major prayer of the petitioner was to direct the respondents to release the amount of pension, gratuity, provident fund and other retirement benefits. At the hearing today Mr. Shalin Mehta, learned counsel for the petitioner states under instructions of his client that the disciplinary proceedings have been concluded during pendency of the petition and though some order of penalty is passed, all the retiral benefits due and payable to the petitioner as per the service regulations of the respondent Bank have been paid to the petitioner.

4. In view of the above, nothing further survives in the petition. Hence, it is disposed of accordingly. Rule is discharged.

[M.S. Shah, J.]

* Pansala.